

REMARKS

Claims 6-40 are presented for examination.

The Examiner sustains her rejection of claims 6-40 under 35 U.S.C. § 103(a) as being unpatentable over Koger et al., U.S. Patent 6,646,058 (Koger). Applicants disagree and will first discuss independent claims 6, 16, 24, and 32.

Claims 6 and 16 each cover a composition containing a thickener and a water-based copolymer latex. Claims 24 and 32 each cover a method for increasing viscosity of a vibration damping composition that contains a thickener and a water-based copolymer latex. All of these claims require that the thickener include a polymer, i.e., thickener polymer, made of, among others, 0.001-2.0 mol% of an associating monomer unit.

The Examiner asserts that, as Koger teaches a dispersant polymer having a certain content of a macromonomer (analogous to the associating monomer unit recited in claims 6, 16, 24, and 32), the content of the associating monomer in the thickener polymer recited in these claims would have been obvious in view of the content of the macromonomer in the dispersant polymer of Koger. See the Office Action, page 2, item 3. Clearly, the Examiner has equated a dispersant polymer to a thickener polymer. However, one skilled in the art would know that a dispersant polymer is not the same as a thickener polymer.

A dispersant polymer facilitates dispersion of fine particles in a liquid, while a thickener thickens a liquid or increases viscosity of a liquid. In other words, they have very dissimilar properties. As would be recognized by a skilled artisan, a dispersant polymer and a thickener polymer, having different properties, are patentably distinguishable. As a matter of fact, Koger discloses using a thickener polymer in addition to a dispersant polymer in Example 4. See column 13, lines 15-18. Thus, Koger itself deems the thickener polymer has a very different property from that of the dispersant polymer. More specifically, this reference teaches that the molecular weight of the dispersant polymer is, e.g., "from about 5,000 to 10,000 grams per gram mole," while the molecular weight of the thickener polymer is, e.g., "from about 20,000 to 200,000 grams per gram mole." See column 7, lines 50-53 and column 10, lines 44-46. In other words, Koger teaches that a dispersant polymer and a thickener polymer have

very different properties and very different molecular weights. Given the substantial differences between these two polymers, the Examiner clearly erred in equating the thickener polymer recited in claims 6, 16, 24, and 32 with the dispersant polymer described in Koger and comparing their respective monomer contents. In short, Koger does not render claims 6, 16, 24, and 32 obvious.

Claims 6, 16, 24, and 32 are also not obvious in view of Koger on an additional ground. Koger is silent on the content of the macromonomer in the thickener polymer. Applicant submit that one skilled in the art, in view of this silence, would not have been motivated by Koger to arrive at the specific range of contents "0.001-2.0 mol%" of an associating monomer unit recited in claims 6, 16, 24, and 32.

For the reasons set forth above, claims 7-15 (dependent from claim 6), claims 17-23 (dependent from claim 16), claims 26-31 (dependent from claim 24), and claims 33-40 (dependent from claim 32) are also not rendered obvious by Koger.

CONCLUSION

For the reasons set forth above, Applicants submit that the grounds for the rejections asserted by the Examiner have been overcome and claims 6-40, as pending, cover subject matter that is unobvious over the prior art. Applicants request that all pending claims be allowed.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

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